

12 A Perfect
NARRATIVE
Of the whole Proceedings of the
HIGH COURT of IUSTICE
IN THE
TRYALL
OF THE
KING.

*Westminster Hall, on Saturday the 20. and
Monday the 22. of this instant January.*

**With the several Speeches of the King,
Lord President, and Solicitor General.**

Published by Authority to prevent false and im-
pertinent Relations.

To these Proceedings of the Tryall of the King, I say,
Imprimatur, G I L B E R T M A B B O T.

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the Inner Temple. Jan. 23. 1649.*



A perfect Narrative of the whole Proceedings of the High Court of Justice in the Tryall of the King in Westminster Hall Saturday, Jan. 20. 1649.

T the high Court of Justice sitting in the great Hall at *Westminster*, Serjeant *Bradshaw* Lord President, about 70. Members present, [O yes,] made, Silence commanded.

The Act of the Commons in Parliament (for the Tryall of the King) was read, after the Court was called, and each Member rising up as he was called.

The King came into the Court (with his Hat on) the Serjeant usherd him in with the Mace; Col. *Hacker*, and about thirty Officers and Gentlemen more, came as his Guard.

Lord President. CHARLES STUART King of *England*, the Commons of *England*, assembled in Parliament, being sensible of the great Calamities that have been brought upon this Nation, and of the innocent Blood that hath been shed in this Nation, which are referred to you as the Author of it; and according to that duty which they owe to God, to the Nation, and to themselves; and according to that Power and Fundamentall Trust that is reposed in them by the People, have constituted this high Court of Justice, before which you are now brought, and you are to hear your Charge, upon which the Court will proceed.

Mr. Cook Solicitor General. My Lord, in behalf of the Commons of *England*, and of all the people thereof, I do accuse *Charles Stuart*, here present, of high Treason, and high Misdemeanors; and I do, in the name of the Commons of *England*, desire the Charge may be read unto him.

The King. Hold a little.

Lord President. Sir, the Court commands the Charge to be read, if you have any thing to say afterwards, you may be heard.

The Charge read.

The King smiled often during the time, especially at these words, Tyrant Traytor, Murtherer and Publick Enemy of the Common-wealth.

Lord President. Sir, you have now heard your Charge read, containing such matter as appears in it; you finde, That in the close of it,

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it is prayed to the Court, in the behalf of the Commons of England, that you answer to your Charge. The Court expects your Answer.

The King. I would know by what power I am called hither; I was not long ago in the Isle of Wight, how I came there, is a longer story then I think is fit at this time for me to speak of; but there I entred into a Treaty with both Houses of Parliament with as much Publique Faith as its possible to be had of any people in the world. I treated there with a number of Honorable Lords and Gentlemen, and treated honestly and uprightly; I cannot say but they did very nobly with me, we were upon a conclusion of the Trcaty. Now I would know by what Authority, I mean, lawfull; there are many unlawfull Authorities in the world, Thieves & Robbers by the high ways; but I would know by what Authority I was brought from thence, and carryed from place to place, (and I know not what) and when I know what lawfull Authority, I shall answer; Remember I am your King, your lawfull King, and what sins you bring upon your heads, and the judgement of God upon this Land, think well upon it, I say, think well upon it, before you go further from one sin to a greater, therefore let me know by what lawfull Authority I am seated here, and I shall not be unwilling to answer; in the mean time I shall not betray my Trust; I have a Trust committed to me by God, by old and lawfull descent, I will not betray it to answer a new unlawfull Authority, therefore resolve me that, and you shall hear more of me.

Lord President. If you had been pleased to have observed what was hinted to you, by the Court, at your first coming hither, you would have known by what Authority; which Authority requires you in the name of the People of England, of which you are Elected King, to answer them.

The King. No Sir, I deny that.

Lord President. If you acknowledge not the Authority of the Court, they must proceed.

The King. I do tell them so, England was never an Elective Kingdom, but an Hereditary Kingdom for neer these thousand years; therefore let me know by what Authority I am called hither; I do stand more for the Liberty of my people then any here that come to be my pretended Judges; and therefore let me know by what lawfull Authority I am seated here, & I wil answer it, otherwise I will not answer it.

Lord President. Sir, how really you have managed your Trust, is known; your way of answer is to interrogate the Court which be- seems not you in this condition. You have bin told of it twice or thrice.

The King. Here is a Gentleman, Lieut. Col. Cobbe (ask him) if he

did not bring me from the Isle of Wight by force ? I do not come here as submitting to the Court ; I will stand as much for the Priviledge of the House of Commons, rightly understood, as any man here whatsoever, I see no House of Lords here that may constitute a Parliament, and (the King too) should have been. Is this the bringing of the King to his Parliament ? Is this the bringing an end to the Treaty in the Publique Faith of the world ? Let me see a legall Authority Waranted by the Word of God, the Scriptures, or warranted by the Constitutions of the Kingdom, and I will answer.

Lord President. Sir, You have propounded a Question, and have been answered ; seeing you will not answer, the Court will consider how to proceed, in the mean time, those that brought you hither are to take charge of you back again.

The Court desires to know, whether this be all the Answer you will give, or no.

The King. Sir, I desire that you would give me, and all the world, satisfaction in this ; let me tell you, it is not a slight thing you are about. I am sworn to keep the Peace by that duty I owe to GOD and my Country, and I will do it to the last breath of my body, and therefore you shall do well to satisfie first GOD, and then the Country, by what Authority you do it, if you do it by a usurped Authority, you cannot answer it. There is a GOD in Heaven that will call you, and all that give you power, to account ; Satisfie me in that, and I will answer, otherwise I betray my trust, and the Liberties of the People, and therefore think of that, and then I shall be willing. For I do avow, That it is a great sin to withstand lawfull Authority, as it is to submit to a Tyrannicall, or any otherways unlawfull Authority, and therefore satisfie me that, and you shall receive my answer.

Lord President. The Court expects you should give them a final Answer, their purpose is to adjourn till Monday next, if you do not satisfie your self, though we do tell you our Authority, we are satisfied with our Authority, and it is upon Gods Authority and the Kingdoms, and that Peace you speak of will be kept in the doing of Justice ; and that's our present Work.

The King. For answer let me tell you, You have shewn no lawfull Authority to satisfie any reasonable man.

Lord President. That is in your apprehension, we are satisfied that are your Judges.

The King. Tis not my apprehension, nor yours neither, (that ought to decide it.)

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Lord President. The Court hath heard you, and you are to be deposed of as they have commanded.

The Court adjourns to the painted Chamber on Monday at 10. of the clock in the forenoon, and thence hither.

It is to be observed,

That as the Charge was reading against the King, the head of his staff fell off, which he wondered at, and seeing none to take it up, he stoops for it himself.

As the King went away facing the Court, said, I do not fear that, (meaning the sword.) The people in the Hall as he went down the stairs cryed out, some, God save the King, and most for Justice.

At the high Court of Justice sitting in Westminster Hall, Monday

January 22. 1649.

O Yes made. Silence commanded. The Court called and answered to their names.

Silence commanded upon pain of imprisonment, and the Captain of the Guard to apprehend all such as make disturbance.

Upon the Kings coming in a shout was made.

Command given by the Court to the Captain of the Guard to fetch and take into his custody those who make any disturbance.

Mr. Solicitor. May it please your Lordship, my Lord President, I did at the last Court in the behalf of the Commons of England, exhibit and give into this Court a Charge of high Treason, and other high Crimes against the Prisoner at the Barre, whereof I do accuse him in the name of the People of England, and the Charge was read unto him, and his Answer required. My Lord, He was not then pleased to give an Answer, but in stead of answering, did there dis- pure the authority of this High Court, My humble Motion to this high Court is behalf of the Kingdom of England is, That the Pri- soner may be directed to make a positive Answer, either by way of Confession, or Negation ; which if he shall refuse to do, That the matter of Charge may be taken *pro confesso*, and the Court may pro- ceed according to justice.

Lord President. Sir, You may remember at the last Court you were told the occasion of your being brought hither, and you heard a Charge read against you containing a charge of high Treason and other high crimes against this Realm of England ; you heard like- wise, that it was prayed in the behalf of the People, that you should give an Answer to that Charge, that thereupon such proceedings might be had as should be agreeable to justice ; you were then plea-

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sed to make some scruples concerning the Authority of this Court, and knew not by what authority you were brought hither; you did divers times propound your Questions, and were as often answered, That it was by authority of the *Commons of England assembled in Parliament*, that did think fit to call you to Account for those high and capitall Misdemeanours wherewith you were then charged. Since that the Court hath taken into Consideration what you then said, they are fully satisfied with their own authority, and they hold it fit you should stand satisfied with it too; and they do require it, that you do give a positive and particular answer to this charge that is exhibited against you; they do expect you should either confess or deny it; if you deny, it is offered in the behalfe of the Kingdom to be made good against you; their authority they do avow to the whole world, that the whole Kingdom are to rest satisfied in, and you are to rest satisfied with it, and therefore you are to lose no more time, but to give a positive answer thereunto.

The King. When I was here last, it is very true, I made that Question, and truly if it were onely my own particular case, I would have satisfie my self with the Protestation I made the last time I was here against the legality of this Court, and that a King cannot be tried by any Superior Jurisdiction on Earth; but it is not my case alone, it is the freedom and the liberty of the People of England, and do you pretend what you will, I stand more for their Liberties. For if power without Law may make Laws, may alter the fundamentall Lawes of the Kingdom, I do not know what subject he is in England, that can be sure of his life or any thing that he calls his own; therefore when that I came here, I did expect particular reasons to know by what Law, what Authority you did proceed against me here, and therefore I am a little to seek what to say to you in this particulat, because the Affirmative is to be proved, the Negative often is very hard to do: but since I cannot perswade you to do it, I shall tell you my Reasons as short as I can.

My Reasons why in Conscience and the duty I owe to God first, and my People next, for the preservation of their lives, Liberties and Estates; I conceive I cannot answer this, till I be satisfied of the legality of it.

All proceedings against any man whatsoever.

Lord President: Sir, I must interrupt you, which I would not do, but that what you do is not agreeable to the proceedings of any Court of Justice, you are about to enter into Argument, and dispute concerning

cerning the Authority of this Court , before whom you appear as a prisoner , and are charged as an high Delinquent ; if you take upon you to dispute the Authority of the Court we may not do it, nor will any Court give way unto it , you are to submit unto it, you are to give a punctuall and direct answer , whether ye will answer your Charge or no , and what your answer is.

The King. Sir , by your favour, I do not know the forms of Law, I do know Law and Reason, though I am no Lawyer professed, but I know as much Law as any Gentleman in England ; and therefore (under favour) I do plead for the Liberties of the people of England more then you do , and therefore if I should impose a belief upon any man without reasons given for it, it were unreasonable, but I must tell you that that reason that I have as thus informed I cannot yeeld to it.

Lord President. Sir , I must interrupt you , you may not be permitted, you speak of Law and reason, it is fit there should be Law and reason, and there is both against you. Sir , the Vote of the Commons of England assembled in Parliament , it is the reason of the Kingdom, and they are these that have given to that Law ; according to which you should have ruled and reigned : Sir , you are not to dispute our Authority : you are told it again by the Court. Sir , it will be taken notice of, that you stand in contempt of the Court , and your contempt will be recorded accordingly.

The King. I doe not know how a King can be a Delinquent, but by any Law that ever I heard of, all men (Delinquents or what you will) let me tell you they may put in Demurrers against any proceeding as legall , and I do demand that, and demand to be heard with my Reasons, if you deny that, you deny Reason.

Lord President. Sir, you have offered something to the Court , I shall speak something unto you the sence of the Court. Sir, neither you nor any man are permitted to dispute that point, you are concluded, you may not demurre the Jurisdiction of the Court, if you do, I must let you know, that they over-rule your Demurrer, they sit here by the Authority of the Commons of England , and all your Predecessors, and you are responsible to them.

The King. I deny that, shew me one president.

Lord President. Sir, you ought not to interrupt while the Court is speaking to you, this point is not to be debated by you, neither will the Court permit you to do it , if you offer it by way of Demurres to the Jurisdiction of the Court , they have considered of their Jurisdiction, they do affirme their own Jurisdiction.

The King. I say Sir, by your favour, that the Commons of England was

Was never a Court of Judicature, I would know how they came to be so
Lord President. Sir, You are not to be permitted to go on in that
speech and these discourses.

* Then the Clerk of the Court read as followeth.

Charles Stuart King of England, You have been accused on the behalf of the People of England of high Treason and other high crimes; the Court have determined that ye ought to answer the same.

The King. I will answer the same so soon as I know by what authority you do this.

Lord President. If this be all that you will say, then Gentlemen you that brought the Prisoner hither, take charge of him back again.

The King, I do require that I may give in my Reasons why I do not answer, and give me time for that.

Lord President. Sir, 'Tis not for Prisoners to require.

The King. Prisoners? Sir, I am not an ordinary Prisoner.

Lord President. The Court hath considered of their jurisdiction, and they have already affirm'd their jurisdiction; if you will not answer, we shall give order to record your default.

The King. You never heard my reason yet.

Lord President. Sir, Your reasons are not to be heard against the highest jurisdiction.

The King. Shew me that Jurisdiction where reason is not to be heard.

Lord President. Sir, we shew it you here, the Commons of England; and the next time you are brought you will know more of the pleasure of the Court; and, it may be, their finall determination.

The King. Shew me where ever the House of Commons was a Court of Judicature of that kinde.

Lord President. Sergeant, Take away the Prisoner.

The King. Well Sir, Remember that the King is not suffer'd to give in his Reasons for the Liberty and Freedom of all his Subjects.

Lord President. Sir, You are not to have liberty to use this language; How great a friend you have been to the Laws and Liberties of the People, let all England and the world judge.

The King. Sir, under favour it was the Liberty, Freedom, and Laws of the subject that ever I took defended my self with Arms, I never took up Arms against the People, but for the Laws.

Lord President. The Command of the Court must be obeyed; no answer will be given to the Charge. The King. Well Sir.

And so was guarded forth to Sir Robert Cotton's house.

The Court adjourned to the Painted Chamber on Tuesday at twelve a clock, and from thence they intend to adjourn to Westminster Hall, at which time all persons concerned are to give their attendance.